

Message

From: Armor, Suzanne [Armor.Suzanne@epa.gov]
Sent: 6/15/2020 4:07:32 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Hurlid, Kathy [Hurlid.Kathy@epa.gov]
CC: Nagrani, Kavita [Nagrani.Kavita@epa.gov]; Jaikaran, Bianca [Jaikaran.Bianca@epa.gov]; Kupchan, Simma [Kupchan.Simma@epa.gov]; Siegal, Tod [Siegal.Tod@epa.gov]
Subject: RE: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps
Attachments: Seminole Tribe Proposed Edits to FDEP-EPA MOA 6-2020_sa comments 06152020.docx

Attached are some initial thoughts from me and Tod.

Ex. 5 AC/DP

Happy to discuss further.
Best,
Suzanne



SUZANNE K. ARMOR | REGIONAL TRIBAL ATTORNEY
United States Environmental Protection Agency
Office of Regional Counsel
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
tel: 404.562.9701
fax: 404.562.8078
armor.suzanne@epa.gov

CONFIDENTIALITY NOTICE: This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual(s) or entity(ies) to whom or to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Friday, June 12, 2020 7:44 PM
To: McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Cc: Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>
Subject: FW: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

We received the following email from counsel for the Seminole Tribe of Florida this afternoon requesting changes to the EPA-FDEP and Corps-FDEP MOAs. This follows calls EPA attorneys had with Seminole Tribe counsel on 6/8 and Seminole Tribe and FDEP counsel on 6/9 to discuss the Tribe's proposed tribal lands/tribal waters definition. On the calls, the Tribe expressed interest in entering into an MOA between EPA, FDEP, and the Tribe to address areas where there was ambiguity over what constituted "Indian Country." My understanding from the calls was that the Tribe was envisioning a 3-way MOA separate from the EPA and Corps MOAs so I was surprised to see their additions here.

Ex. 5 AC/DP

Ex. 5 AC/DP

From: Rachael Santana <rsantana@llw-law.com>

Sent: Friday, June 12, 2020 4:24 PM

To: Gray, Stephanie A <Stephanie.A.Gray@FloridaDEP.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>

Cc: chad.r.stevens@dep.state.fl.us; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Jaikaran, Bianca <Jaikaran.Bianca@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Siegal, Tod <Siegal.Tod@epa.gov>; Michelle Diffenderfer <mdiffenderfer@llw-law.com>; 'Craig A. Jacobson' <CJacobson@hobbsstrauss.com>

Subject: Seminole Tribe Proposed Additions to FDEP MOAs with EPA & Corps

Good afternoon Stephanie & Matt,

Please find attached the Seminole Tribe's proposed additions to the draft Memoranda of Agreement between the Florida Department of Environmental Protection, the United States Environmental Protection Agency (EPA) and the United States Army Corps of Engineers (Corps). The Seminole Tribe's proposed additions in both documents are provided in red text and underlined (but not in track changes).

Our records reflect the last version of the EPA MOA was sent to me on 4/1/2019 and was titled "Draft- FL EPA MOA 9_20181101_redline.docx." Our records reflect the last version of the Corps MOA was sent to me on 6/17/2019 and was titled "Draft CWA 404g MOA Between DA and FL DEP 03052019." I have accepted all track changes and deleted all comments from those draft versions in order make the proposed language easy to identify.

At your earliest convenience, please let us know who the correct 404 contacts are at the Corps. The Seminole Tribe would like to engage in similar conversations with the Corps as we have with EPA. Also, if I inadvertently left someone off this email, please forward as appropriate.

Thank you again for all your time and attention to this matter.

Regards,

Rachael B. Santana | Attorney
515 North Flagler Drive, Suite 1500 | West Palm Beach, Florida 33401
rsantana@llw-law.com | 561.640.0820
[vCard](#) | [Website](#) | [Bio](#) | [join us online](#)



The information contained in this transmission may be legally privileged and confidential. It is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that you received this communication in error, and that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately by reply email and delete the message and all copies of it.

Member of the Environmental Law Network